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Attorneys for Petitioner
DONJON MARINE CO., INC.
As owner of Tug WILLIAM E.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 civ 3840 (RWS)

IN THE MATTER OF THE COMPLAINT

of

**AFFIDAVIT OF
JAMES E. MERCANTE**

DONJON MARINE CO., INC. as owner of Tug
WILLIAM E. for Exoneration from or Limitation
of Liability,

Petitioner.

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

JAMES E. MERCANTE, being duly sworn, deposes and says:

1. I am a member of the law firm of RUBIN, FIORELLA & FRIEDMAN LLP, attorneys for petitioner, Donjon Marine Co., Inc., and I am fully familiar with the facts of this matter.
2. The following exhibits are submitted in further support of Donjon's motion for summary judgment:

LIST OF EXHIBITS


Declaration Pursuant to 28 U.S.C. §1746 of Gordon Keen.

Exhibit 1 - Memorandum and Order dated September 14, 2004.

Exhibit 2 - Plaintiff's Notice of Motion and excerpts of Reply Memorandum.


JAMES E. MERCANTE

Sworn to before me this
24th day of January, 2008.


Notary Public

HARLAN R. SCHREIBER
Notary Public, State of New York
No. 02SC6167630
Qualified in New York County
Commission Expires June 4, 2011